

GOVERNMENT OF ANDHRA PRADESH  
ABSTRACT

PUBLIC SERVICES – Revenue (Proh. & Excise) Department – Allegation of corruption against Sri Shaik Khadar Babavali, formerly Prohibition & Excise Inspector, Udayagiri, Nellore District – Prosecution accorded – Charge Sheet filed – Convicted by the Hon'ble SPE & ACB Court, Nellore – Dismissed from service – Criminal Appeal filed in the Hon'ble High Court of Andhra Pradesh – Acquitted by the Hon'ble High Court – Approached the Hon'ble A.P. Administrative Tribunal for releasing of Pensionary benefits – Hon'ble A.P. Administrative Tribunal ordered for releasing of Pensionary benefits – Orders – Issued.

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REVENUE (VIG.V) DEPARTMENT

**G.O. Rt. No. 27.**

**Dated:05.01.2012.**

Read the following:-

- 1) D.G., ACB Lr.Rc.No.81/RCT-NNL/98, dt.12.01.1999.
- 2) G.O. Ms. No.437, Revenue (Excise-I) Deptt., dt.02.06.1999.
- 3) Hon'ble Spl. Judge for SPE & ACB Cases, Nellore judgment, dt.07.01.2005.
- 4) G.O. Ms. No.1112, Revenue (Vig.V) Deptt., dt.08.06.2005.
- 5) Hon'ble High Court of A.P., judgment dt.02.02.2011 in CrI.A.Nos.13 & 14 of 2005 filed by Sri Shaik Khadar Babavali, P&E Inspector (Dismissed).
- 6) Memo No.9830/Vig.V(1)/2011-3, dt.20.07.2011.
- 7) D.G., ACB Lr.Rc.No.81/RCT-NNL/1998, dt.24.09.2011.
- 8) Sri Shaik Khadar Babavali, Prohibition & Excise Inspector (Dismissed) representation, dt.Nil.
- 9) Hon'ble APAT Orders, dt.23.11.2011 in O.A. No.8871 of 2011 filed by Sri Shaik Khadar Babavali, P&E Inspector (Dismissed).
- 10) Sri Shaik Khadar Babavali, P&E Inspector (Dismissed) Representation, dt.Nil.

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**ORDER:**

In the reference 2<sup>nd</sup> read above, sanction was accorded to the Director General, Anti Corruption Bureau to prosecute Sri Shaik Khadar Babavali, formerly Prohibition & Excise Inspector, Udayagiri, Nellore District for the offences punishable under section 7, 11 and sub-section (2) of Section 13 read with clause (d) of Sub-section (1) of Section 13 of P.C. Act, 1988 and accordingly, the ACB Authorities have filed charge sheet in the Hon'ble SPE & ACB Cases, Nellore.

2) In the reference 3<sup>rd</sup> read above, the Hon'ble Special Judge for SPE & ACB Cases, Nellore convicted the Accused Officer, viz., Sri Shaik Khadar Babavali, formerly Prohibition & Excise Inspector, Udayagiri, Nellore District.

3) In the reference 4<sup>th</sup> read above, Sri Shaik Khadar Babavali, formerly Prohibition & Excise Inspector, Udayagiri, Nellore District was dismissed from service as he was convicted by the Hon'ble Special Judge for SPE & ACB Cases, Nellore.

4) Aggrieved by the judgment of the Special Judge for SPE & ACB Cases, Nellore Sri Shaik Khadar Babavali, Prohibition & Excise Inspector (Dismissed) has approached the Hon'ble High Court of Andhra Pradesh by filing Criminal Appeal Nos.13 & 14 of 2005.

5) In the reference 5<sup>th</sup> read above, the Hon'ble High Court acquitted Sri Shaik Khadar Babavali, formerly Prohibition & Excise Inspector, Udayagiri, Nellore District and set aside the conviction and sentences imposed on the accused by the Special Judge for SPE & ACB Cases, Nellore.

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- 6) In the reference 6<sup>th</sup> read above, the Director General, Anti Corruption Bureau was permitted to file Special Leave Petition in the Hon'ble Supreme Court of India against the judgment of Hon'ble High Court of Andhra Pradesh issued in the reference 5<sup>th</sup> read above. Accordingly, the Director General, Anti Corruption Bureau has filed Special Leave Petition in the Hon'ble Supreme Court of India.
- 7) In the reference 7<sup>th</sup> read above, Sri Shaik Khadar Babavali, Prohibition & Excise Inspector (Dismissed) filed a representation before the Government for releasing of his pensionary benefits, as he was acquitted by the Hon'ble High Court of Andhra Pradesh.
- 8) Meanwhile, Sri Shaik Khadar Babavali, Prohibition & Excise Inspector (dismissed) has approached the Hon'ble A.P. Administrative Tribunal by filing O.A. No.8871 of 2011 with a prayer to release his pensionary benefits, as he has acquitted by the Hon'ble High Court.
- 9) In the reference 9<sup>th</sup> read above, the Hon'ble A.P. Administrative Tribunal directed the respondents to pass appropriate orders on the representation of the individual for releasing of retiral benefits within a period of eight weeks from the date of receipt of the orders.
- 10) In the reference 10<sup>th</sup> read above, Sri Shaik Khadar Babavali, Prohibition & Excise Inspector (Dismissed) has requested the Government to review his case and permit him to retire from service on superannuation on 31.05.2009 and treat his suspension and dismissal periods as "on duty" and release his pensionary benefits.
- 11) After careful examination of the matter in detail, Government, hereby treat the dismissal period of Sri Shaik Khadar Babavali, formerly Prohibition & Excise Inspector, Udayagiri, Nellore District i.e., from 08.05.2005 to 31.05.2009 as 'deemed suspension' and treat his suspension periods from 16.07.1998 to 05.01.2001 and deemed suspension period as "not on duty", as the same cannot be treated as 'not wholly justified'. During the said suspension period i.e., from 16.07.1998 to 05.01.2001 and the deemed suspension period i.e., from 08.05.2005 to 31.05.2009 the individual will be entitled to payment of subsistence allowance only. However, these periods shall count for all other benefits i.e., notional increments, leave, notional pay / pension, fixation, notional seniority, promotion, etc., This order will be subject to outcome of the Special Leave Petition filed before the Hon'ble Supreme Court of India against the orders of Hon'ble Andhra Pradesh High Court.
- 12) The Commissioner of Prohibition & Excise shall take necessary action accordingly.

( BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH )

ASUTOSH MISHRA  
PRINCIPAL SECRETARY TO GOVERNMENT

To  
Sri Shaik Khadar Babavali, Prohibition & Excise Inspector (Retd.)  
through the Commissioner of Prohibition & Excise,  
A.P., Hyderabad.  
The Commissioner of Prohibition & Excise, A.P., Hyderabad.  
Copy to:-  
The Deputy Commissioner of Prohibition & Excise, Guntur.  
The Deputy Commissioner of Prohibition & Excise, Nellore.  
The Director General, Anti Corruption Bureau, A.P., Hyderabad.  
The Secretary, A.P. Vigilance Commission, Secretariat, Hyderabad.  
File/SF/SCs.

// FORWARDED :: BY ORDER //

SECTION OFFICER